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 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 TROY BENSON, an individual,

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
 16 DEPARTMENT, in its official capacity; and  
 17 JOSEPH LOMBARDO, individually and in  
 18 his official capacity as Sheriff of the Las  
 19 Vegas Metropolitan Police Department,

20 Defendants.

21 MARY BENSON, an individual,

22 Plaintiff,

23 vs.

24 LAS VEGAS METROPOLITAN POLICE  
 25 DEPARTMENT, in its official capacity;  
 26 and BRET EMPEY, in his official capacity  
 27 as a Sergeant of the Las Vegas Metropolitan  
 28 Police Department, and as an individual,

Defendants

Case. No.: 2:21-cv-01928-RFB-BNW

**STIPULATION AND ORDER TO  
 CONTINUE AND RESET 05/05/2022  
 EARLY NEUTRAL EVALUATION  
 SESSION [ECF No. 36]**

(THIRD REQUEST)

Case. No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO  
 CONTINUE AND RESET 05/05/2022  
 EARLY NEUTRAL EVALUATION  
 SESSION [ECF No. 36]**

(THIRD REQUEST)

23 Plaintiffs' TROY and Mary BENSON, and Defendants LAS VEGAS  
 24 METROPOLITAN POLICE DEPARTMENT AND JOSEPH LOMBARDO (collectively  
 25 "Parties") by and through their respective counsel, hereby stipulate to the following:

26 IT IS HEREBY STIPULATED that, at the initiation of Plaintiff's undersigned  
 27 counsel, the Early Neutral Evaluation Session, which is currently set for May 5, 2022, at  
 28 10:00 a.m. by ECF No. 36 before United States Magistrate Judge Daniel J. Albregts be

1 vacated. The parties require more time to prepare their written Early Neutral Evaluation  
2 statements. In addition, Ms. McLetchie has competing obligations with her upcoming  
3 wedding and has also had several competing deadlines in other matters. The Parties  
4 respectfully request the Court grant their stipulation to continue the Early Neutral Evaluation  
5 Session for all these reasons.

6 IT IS FURTHER STIPULATED that the following three (3) alternative dates have  
7 been confirmed by all parties and their counsel to be available for rescheduling the Early  
8 Neutral Evaluation Session at the Court's convenience:

9 1. July 18<sup>th</sup>, 2022;  
10 2. July 19<sup>th</sup>, 2022; and  
11 3. July 28<sup>th</sup>, 2022.

12 With this resetting, the parties will be submitting their confidential written Early  
13 Neutral Evaluation statements for the Court's *in camera* review ten (10) days prior to the  
14 Early Neutral Evaluation Session, and agree to comply with all other aspects of the Court's  
15 Order Scheduling the Early Neutral Evaluation (ECF No. 20.)

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1        This request is made in good faith and is not sought for any improper purpose or  
2 for the purpose of delay.

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4        **IT IS SO STIPULATED.**

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6        DATED this 9<sup>th</sup> day of May 2022.

7        **MCLETCHIE LAW**

8        /s/ Margaret A. McLetchie

9        Margaret A. McLetchie, NBN 10931  
10        McLetchie Law  
11        602 South Tenth Street  
12        Las Vegas, NV 89101  
13        *Attorneys of Plaintiff Troy Benson*

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15        DATED this 9<sup>th</sup> day of May 2022.

16        **MARQUIS AURBACH**

17        /s/ Nicholas D. Crosby

18        Nicholas D. Crosby, NBN 8996  
19        10001 Park Run Drive  
20        Las Vegas, Nevada 89145  
21        *Attorney for Defendants Las Vegas*  
22        *Metropolitan Police Department and Joseph*  
23        *Lombardo*

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25        **ORDER**

26        **IT IS ORDERED** that the Early Neutral Evaluation scheduled for May 5, 2022 is  
27        VACATED and RESET to **Thursday, July 28, 2022 at 10:00 a.m.**

28        **IT IS FURTHER ORDERED** that the confidential evaluation statements must be  
29        submitted by Noon on Thursday, July 21, 2022.

30        **IT IS FURTHER ORDERED** that all other provisions of the Court's prior Order  
31        (ECF No. 20) entered in 2:21-cv-1928-RFB-BNW remain in effect.

32        DATED: May 10, 2022

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35        DANIEL J. ALBREGTS  
36        UNITED STATES MAGISTRATE JUDGE